

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES CONTANT, SANDRA LAVENDER,  
VICTOR HERNANDEZ, MARTIN-HAN TRAN,  
FX PRIMUS LTD., CARLOS GONZALEZ,  
UGNIUS MATKUS, CHARLES G.  
HITCHCOCK III, JERRY JACOBSON, TINA  
PORTER, AND PAUL VERMILLION on behalf  
of themselves and all others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, *et al.*,

Defendants.

Case No. 1:17-cv-03139-LGS

[rel. 13-cv-7789-LGS]

ECF CASE

ORAL ARGUMENT REQUESTED

**DECLARATION OF RICHARD G. MCCARTY IN SUPPORT OF  
THE ROYAL BANK OF SCOTLAND PLC'S OPPOSITION  
TO PLAINTIFFS' MOTION FOR LEAVE TO AMEND**

I, Richard G. McCarty, hereby declare under penalty of perjury the truth of the following statements based upon personal knowledge and knowledge gained from the review of the records of the corporation The Royal Bank of Scotland plc, now known as NatWest Markets Plc (“RBS”), which is a defendant in the above-captioned action, and from discussions with others with such knowledge:

1. I am an adult and competent to testify to the matters below. I submit this declaration in support of RBS's opposition to Plaintiffs' motion for leave to amend in the above-captioned action.
2. I am a Vice President and Senior Counsel of NatWest Markets Securities Inc. (formerly known as RBS Securities Inc.). My responsibilities include, among other things, addressing corporate governance and secretariat issues in relation to activities in the United States by RBS. I am authorized to make this declaration on behalf of RBS.

3. RBS is a public company registered in Scotland with its registered office at 36 St. Andrew Square, Edinburgh, United Kingdom, EH2 2YB. RBS's principal place of business is the United Kingdom.

4. RBS's presence in the United States is limited to a single representative office in Stamford, Connecticut, which is maintained solely as part of the wholesale NatWest Markets business. RBS does not currently maintain any branch offices in the United States, having in recent years closed the branch it previously maintained in New York and the branch it previously maintained in Connecticut.

5. RBS has had no foreign-exchange ("FX") trading operations based in New York during the putative Class Period (December 1, 2007 through December 31, 2013) or subsequently. RBS has not had any FX traders based in New York since June 2005, at which time RBS's New York-based FX traders (including John Munley) were relocated to Greenwich, Connecticut. In 2009, the FX traders based in Greenwich, Connecticut were relocated again to RBS's newly-constructed headquarters in Stamford, Connecticut, where they have been based ever since.

6. During the putative Class Period (December 1, 2007 through December 31, 2013) and subsequently, RBS's operations in the United States have been small compared to its operations outside of the United States. For example, as of January 2016, of RBS's approximately 49,000 employees worldwide, all but approximately 4,000 were based in the United Kingdom, and only about 100 were based in the United States.

7. RBS's revenue attributable to the United States has also been small as compared to its revenue worldwide. For example, as reported in the 2015 annual report of RBS, only 2.1 % of

the global revenue of RBS and its direct and indirect subsidiaries in 2015 was attributable to the United States (versus 89.0% from the United Kingdom).

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of August, 2019, in Stamford, Connecticut.



A handwritten signature in blue ink that reads "Richard G. McCarty". The signature is fluid and cursive, with "Richard" on top, "G." in the middle, and "McCarty" on the bottom.

Richard G. McCarty